

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HAPPY HOUR DRINKS COMPANY, INC.,

Plaintiff,

-against-

CAN MAN, LLC d/b/a Best Bev Co.,
BEST BEV, LLC and
JOHN DOES 1 through 100

Defendants.

3:24-cv-00047
(TJM/ML)

**STIPULATED
PROTECTIVE ORDER**

WHEREAS, the plaintiff by and through its counsel, have served discovery demands directed to the defendants, requesting the production of certain documents and records, and

WHEREAS, the defendants by and through their counsel, have served discovery demands directed to the plaintiff, requesting the production of certain documents and records, and

WHEREAS, it is the position of the defendants and plaintiff that certain information contained in said documents may be privileged, confidential, trade secrets, proprietary business information, competitively sensitive information or otherwise not subject to disclosure, and

WHEREAS, the defendants and plaintiff are willing to produce a copy of said documents, on the understanding and condition that the parties, by and through their respective counsel agree not to disclose to any person, party, or entity of any kind or nature, the contents of these documents except pursuant to this stipulated protective order.

NOW, THEREFORE, the parties, by and between their respective counsel, having agreed to the following terms of confidentiality, and the Court having found that good cause exists for issuance of an appropriately tailored confidentiality order concerning documents to be produced by defendants and plaintiff, it is hereby.

ORDERED that any person subject to this Order – including without limitation the parties

to the above-captioned action, their representatives, agents, experts and consultants, and all persons described in paragraph 3 and 4 of this Order – shall adhere to the following terms:

1. The parties may designate all or any portion of documents disclosed as “Confidential” by stamping or otherwise clearly marking as “Confidential” the document or protected portion in a manner that will not interfere with legibility or audibility. Deposition testimony concerning documents may be designated as “Confidential” either on the record during the deposition or in writing with five (5) business days of receipt of the transcript. If so designated, the final transcript of the designated testimony shall be bound in a separate volume and marked “Confidential Information Governed by Protective Order” by the reporter. Documents designated as “Confidential” pursuant to this paragraph are referred to in this Order as “Confidential Discovery Material.”
2. Recipients of Confidential Discovery Material under this Order may use such material solely for the prosecution and defense of the above-captioned action and any appeals therefrom. Nothing contained in this Order, however, will affect or restrict the rights of any person with respect to its own documents or information produced in the above-captioned action.
3. The parties may also designate all or any portion of documents disclosed as “Attorneys Eyes Only” by stamping or otherwise clearly marking as “Attorneys Eyes Only” the document or protected portion in a manner that will not interfere with legibility or audibility. No person subject to this Order, other than the producing person, shall disclose any Attorneys Eyes Only material to any other person other

than counsel of record. Any party who objects to this designation and limitation may at any time prior to trial of this action serve upon the designating person and all other parties a written notice stating with particularity the grounds of the objection or request. If the parties cannot reach a prompt agreement respecting the objection, the parties may seek a ruling from the Court.

4. No person subject to this Order, other than the producing person, shall disclose any Confidential Discovery Material to any other person, except:
 - (a) the parties to this action;
 - (b) counsel retained specifically for this action, including any paralegal, clerical or other assistant employed by such counsel and assigned specifically to work on this action;
 - (c) as to any document, its author, its addressee, any other person indicated on the face of the document as having received a copy;
 - (d) any witness called to testify at a deposition in this action or any witness whom counsel for a party in good faith believes may be called to testify at trial or deposition in this action;
 - (e) any person retained by a party to serve as an expert witness or consultant or otherwise provide specialized advice to counsel in connection with this action;
 - (f) stenographers and video technicians engaged to transcribe or record depositions conducted in the action;
 - (g) the Court and its staff; and
 - (h) any other person whom the producing person agrees in writing may have access

to such Confidential Discovery Material.

5. Any person subject to this Order wishing to file Confidential Discovery Material with the Court under seal or in redacted form shall comply with Local Rule 5.3.
6. Any party who objects to any designation of confidentiality may at any time prior to the trial of this action serve upon the designating person and all other parties a written notice stating with particularity the grounds of the objection or request. If the parties cannot reach a prompt agreement respecting the objection, the parties may seek a ruling from the Court.

Dated: October 15, 2024

SO AGREED AND STIPULATED



JOSEPH CHURGIN, ESQ
SAVAD CHURGIN
ATTORNEYS FOR PLAINTIFFS
55 OLD TURNPIKE ROAD
SUITE 209
NANUET, NEW YORK 10954
(845) 624-3820



ERIC M. KURTZ, ESQ
COOK, KURTZ & MURPHY, P.C.
ATTORNEYS FOR DEFENDANTS
85 MAIN STREET, P.O. BOX 3939
KINGSTON, NEW YORK 12402
(845) 331-0702

SO ORDERED:

Hon. Miroslav Lovric
United States Magistrate Judge